

Planning and Development Acts 2000 to 2021

Planning Authority: Donegal County Council

Planning Register Reference Number: 20/50159

APPEAL by Gearoid and Geraldine O'Hagan of Gortnaskea, Burnfoot, County Donegal and by James Reilly and others care of James Reilly of 6 Mill Farm, Drumhaggart, Muff, Lifford, County Donegal and by others against the decision made on the 7th day of May, 2021 by Donegal County Council to grant subject to conditions a permission to Moyle Plant Limited care of Michael Friel Architects and Surveyors Limited of Creeslough, County Donegal.

Proposed Development: Construction of an asphalt plant including all other associated site development works at Gortnaskea, Burnfoot, County Donegal, as revised by the further public notices received by the planning authority on the 14th day of December, 2020 and the 12th day of April, 2021, which included revised plans and a Natura Impact Statement.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

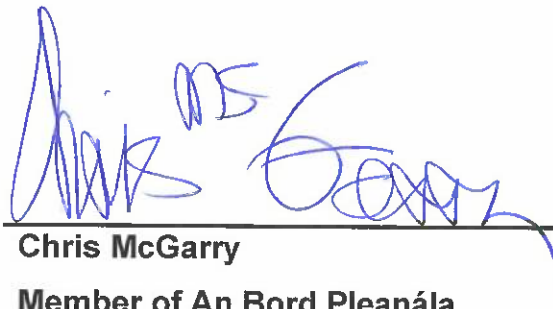
1. The proposed development includes the removal of dumped material, identified as construction and demolition waste, during the site clearance/construction phase, and emissions to air during the operational phase. It is considered that insufficient information has been provided as part of the planning application and the appeal in relation to the extent and composition of dumped material on the applicant's landholding and the potential impacts on the Lough Swilly Special Area of Conservation (Site Code: 002287) and the Lough Swilly Special Protection Area (Site Code: 004075) arising from its proposed removal. Furthermore, it is considered that the potential impact of emissions to air on the Lough Swilly Special Area of Conservation (Site Code: 002287) and the Lough Foyle Special Protection Area (Site Code: 004087) have not been identified or assessed within the submitted Natura Impact Statement and Addendum to Natura Impact Statement. The Board is not satisfied, on the basis of the information provided with the planning application and the appeal, including the Natura Impact Statement and Addendum to Natura Impact Statement, that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of European Sites, including the Lough Swilly Special Area of Conservation (Site Code: 002287), the Lough Swilly Special Protection Area (Site Code: 004075) and the Lough Foyle Special Protection Area (Site Code: 004087). In such circumstances, the Board is precluded from granting permission for the proposed development.



2. On the basis of the information submitted with the planning application and the appeal and, having regard to policies ED-P-8 and ED-P-11 of the Donegal County Development Plan 2018-2024, it is considered that the proposed development has not demonstrated a need to be located at this specific rural site, or that the proposed development would make a significant contribution to the economy of the County. In this regard, it is considered that the proposed development would be contrary to the provisions of development plan policies ED-P-8 and ED-P-11 and would, therefore, be contrary to the proper planning and sustainable development of the area.



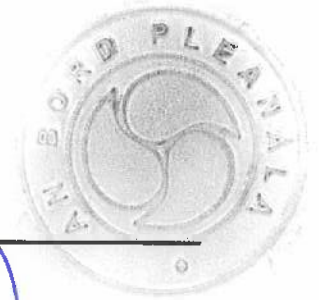
3. On the basis of the information submitted with the planning application and the appeal, including the Noise Impact Assessment submitted by the applicant, the Board is not satisfied that the proposed development would not contribute to and extend a pattern of excessive noise levels at nearby residential property, where existing noise levels at surveyed noise sensitive locations are shown to exceed noise limits recommended by the Environmental Protection Agency guidance document Environmental Management in the Extractive Industry (Non-Scheduled Minerals) (2006), including the maximum noise limit which the guidance states should not be exceeded. In the absence of clear, usable noise mitigation and management measures, the proposed development would seriously injure the amenities of the area, including residential property in the vicinity, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 16th day of December 2022.